

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF OHIO**

STATE OF OHIO,	:	
<i>Plaintiff,</i>	:	
	:	Case No. 1:21-cv-181
v.	:	
JANET YELLEN, in her official	:	
capacity as Secretary of the	:	Judge Douglas R. Cole
Treasury; RICHARD K. DELMAR,	:	
in his official capacity as acting	:	
inspector general of the Department	:	
of Treasury; and U.S.	:	
DEPARTMENT OF THE	:	
TREASURY,	:	
<i>Defendants.</i>	:	

MOTION TO SUPPLEMENT THE RECORD

Ohio respectfully moves to supplement the record with the attached Declaration of Kimberly Murnieks. *See* Ex. 1. Ohio submits this declaration because it provides an updated calculation—in comparison to the calculation within earlier filings—of the amount of funds Ohio expects to receive through the American Rescue Plan Act. The declaration also states the Ohio Office of Budget and Management’s most up-to-date calculation of budget figures from the past few years. The updated figures do not materially affect the analysis of any issue in this case. Nonetheless, the declaration shows that Ohio expects to receive slightly less in Rescue Plan funding than it initially anticipated (\$5.4 billion instead of \$5.5 billion), and that the budget can be calculated in a manner that yields a slightly higher number than the figure available on the Ohio Checkbook website, *see* Compl., R.1, PageID#8.

Therefore, in the interest of full transparency, and in keeping with the duty of candor to this Court, Ohio moves to supplement the record with the attached declaration.

Respectfully submitted,

DAVE YOST (0056290)
Ohio Attorney General

/s/ Benjamin M. Flowers
BENJAMIN M. FLOWERS* (0095284)
Solicitor General

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Counsel for the State of Ohio

CERTIFICATE OF SERVICE

I hereby certify that on June 7, 2021, a copy of the foregoing was filed electronically. Notice of this filing will be sent to all parties for whom counsel has entered an appearance by operation of the Court's electronic filing system.

/s/ Benjamin Flowers

BENJAMIN FLOWERS (0095284)

Solicitor General